

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TAYLOR TOM CONLEY,

Petitioner,

v.

RON FRAKER,

Respondent.

CASE NO. C12-5974 RJB-JRC

ORDER DIRECTING SERVICE  
AND RETURN, §2254 PETITION

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner has filed a motion asking to change the case caption to name a proper respondent, Ron Fraker (ECF No. 7). The Court GRANTS the motion. The Court orders that:

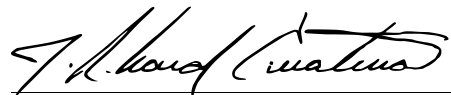
(1) The clerk shall arrange for service by certified mail upon respondent and the Attorney General for the State of Washington, of copies of the petition and all documents in support thereof. All costs of service shall be advanced by the United States. The Clerk shall

1 assemble the necessary documents to effect service. In addition, the Clerk shall send petitioner a  
2 copy of this Order, along with a copy of the Court's General Order regarding pro se litigation.

3 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve  
4 an answer in accordance with Rule 5 of the Rules governing § 2254 cases in United States  
5 District Courts. As part of such answer, respondent should state whether petitioner has exhausted  
6 available state remedies, whether an evidentiary hearing is necessary, and whether there is any  
7 issue of abuse or delay under Rule 9. Respondent shall file the answer with the Clerk of the  
8 Court and serve a copy of the answer upon petitioner.

9 (3) The answer will be treated in accordance with Local Rule 7. Accordingly, upon  
10 receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after  
11 the answer is filed. Petitioner may file and serve a response not later than on the Monday  
12 immediately preceding the Friday appointed for consideration of the matter, and respondent may  
13 file and serve a reply brief not later than on the Thursday immediately preceding the Friday  
14 designated for consideration of the matter.

15 Dated this 13<sup>th</sup> day of December, 2012.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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